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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Fernandes, et al.

SERIAL NUMBER: 09/992840 ART UNIT: 1645

FILING DATE: November 6, 2001 EXAMINER: unknown

FOR: TREATMENT OF INFLAMMATORY BOWEL DISEASE GROWTH FACTORS

DECLARATION IN SUPPORT OF 37 CFR 1.47 FILING

I, NICOLE Carlucci, declare that:

- (1) I am employed as a Legal Specialist in the Intellectual Property Office of CuraGen Corporation; have a mailing address at CuraGen Corporation, 555 Long Wharf Drive, New Haven, Connecticut 06511; and am responsible for seeing that the combined Declaration and Power of Attorney, and Assignment documents for patent applications filed on behalf of CuraGen's employees are fully executed and filed with the United States Patent and Trademark Office;
- (2) CuraGen Corporation contracted with the Boston, Massachusetts law firm of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., to prepare and file the above-captioned United States patent application on its behalf;
- (3) Elma Fernandes ("FERNANDES") is a named inventor for the subject matter described in the above-captioned patent application;
- (4) FERNANDES was employed by CuraGen Corporation from November 2, 1998, until her termination effective April 25th 2002;
- (5) At the time of FERNANDES employment she executed an Agreement in which she agreed to assign her "full right, title and interest in and to all inventions" to CuraGen Corporation, and agreed "to execute any and all applications for domestic and foreign patents, copyrights or other proprietary rights and to do such other acts ... requested by Company to assign the

Inventions to the Company and permit the Company to file, obtain and enforce any patents, copyrights or other proprietary rights in the Inventions" (this obligation is contained in paragraph 1 of the attached true copy of the Employee Confidential Information and Invention Agreement as executed by FERNANDES on November 2, 1998.

- (6) On September 17, 2004, I sent FERNANDES a letter, a true copy of which is attached hereto, enclosing a photocopy of the above-captioned United States patent application as filed, a Combined Declaration and Power of Attorney and an Assignment document for execution in accordance with her obligations to execute the same under the terms of her November 2nd 1998 Agreement;
- (7) The package was sent to her last known address and was returned to us undelivered.
- (8) As of today, October 5, 2004 we have not been able to locate FERNANDES or another address for her.

All statements made in this Declaration are true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, Section 1001 of the United States Code, and that any such willful false statement may jeopardize the validity of any United States Letters Patent resulting from the above-captioned United States patent application.

Dated this 5th day of October 2004 by: Nicole Carlucci
Nicole Carlucci